1942 (Legis) Serial No. nil

Previous references.

Later references.
W 22-43-19 to 23.

(33)

Office of the Secretary to the Representative Assembly and Legislative Council

SUBJECT.

An Act to validate the Defence of India Rules as applied to Mysore

To

The controller Mysore Gazette

Order No RL 472 - Legis 22-42-1

Orders the publication of the Act as Act No X of 1942

VD 04023—GPB—1,000- 12-9-41

Serial No.

Defence of India Rules.

In connection with the appeal for ~~the~~ Bail on bahalf of the Editors of certain papers who are being prosecuted for an offence under Rule 41 of the Defence of India Rules, the High Court have held that the Notification No.P.1371 Legis.20-39-2 dated 4-9-1939 and No.P.3440 Legis.20-39-7 dated 22-11-1939 applying Mutats Mutandis to Mysore the Defence of India Rules subject to the amendments to which the said rules are for the time subject in British India, is ultra vires and the amendments issued in British India subsequent to the issue of the first rules ~~are not~~ adopted in Mysore are not valid in Mysore. The position created by this pronouncement necessitates (1) our issuing rules now again embodying all amendments and (2) our taking action to validate/adopted so far in the belief that the amendments issued from time/time in British India were ipsofacto in force in Mysore.

A draft Notification issuing the rules as amended is submitted for orders.

Re: (2) The Law Secretary may be consulted.

2
29/4

Chief S.S

Law Sr
4/e

NOTE—Cont. Sheet.

WD 04155--GPB—55,000—23-10-41

D. O. No. P2035 — 21.9.32

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Dear Sir

I am desired to request you to be so good as to furnish for the information of Govt a Copy of the judgment of the High Court ~~in this case~~ ordering the release on bail of Certain Editions of local News paper

Yours Sincerely

N. Samvargar Esq BA. LL.B.
Registrar High Court
of Mysore

WD 0255—GPR—10,000—23-8-32

Serial No.

SEP 21 1942
No. 2469

A copy of the order of the High Court on the last application of Bonne Editions, and the letter received from the Advocate-General are submitted for perusal

Cus
21-9-42

Asst Dep Jt Law

Sen Thumb

Dr
22/9

Cus
22-9-42

NOTE—Cont. Sheet.

WD 04155—GPB—55,000—23-10-41

Serial No.

Too 268
42-43
dy 22.9.42

In view of the decision of the High Court in Criminal Mis. Petitions Nos.27 to 30 of 1942-43 on its file, it is considered desirable to pass an Act amending the Defence of India Act, a draft of which is sent herewith. Your opinion may kindly be furnished very early.

W. Narayanaswamy
Secretary to Government,
Law Department.
22-9-42

U.O.No. 27/42
dated 22.9.42

The Advocate-General in Mysore
with compliments.

Rec'd with compliments.

Sub clause (2) of clause 1. may be omitted in view of Section 5 of the General clauses Act.

The validity of the rules inclusive of amendments as they stood on 22-11-39 which is the date of the notification printed on page 25 of the book containing the Act was not called into question during argument in the H. Ch and not adjudicated on. So there may be no need to validate them. It is only the validity of amendments subsequent to 22-11-39 that was argued and decided against. The scope of this clause may accordingly have to

The date will be inserted after H.H. gives his assent

The question of validity of pre-22 Rules was not for decision before the H. Court

It is necessary to include them by way of abundant caution

Myd

NOTE—Cont. Sheet.

WD 04155—GPB—55,000—23-10-41

Serial No.

be limited to this amendments made on and from 22-11-39. till the date of this proposed bill becoming effective.

Secondly the Central Govt have made no new rules but only amendments to them. It was urged in the Course of argument that additions were not different from amendments as could be seen from the wording in Sec 21 of the General clauses Act where the words "add to amend ..." occur indicating thereby that the two are not the same

Thirdly words "Sec 2 of the Said act as applied to Mysore" may in the minds of Some cause Confusion as to whether reference to sec 2 is to that printed on page 1 of the Mysore book or to Sec 2 of the Central Govts act printed on page 8 of the Same book

Fourthly words "Till the date of Commencement of this act" may give rise to ambiguity as to whether its reference is to this original act of 1939 or the new amending act

Fifthly whether it would be just to give effect especially

§ 6 makes the position clear

The said Act is designed as supplementing the Act of 1939 hence there is no confusion

The position is less clear in the Ad General Act has been amended. The date will be inserted before issue

to penal laws from the date of their publication
at Delhi when all but very few in Mysore would likely
know the changes made is a point for some consideration
of the Govt so that injury may likely be caused
or the short interval between the dates of publication
in the gazette of the central govt & the Mysore gazette be
likely exploited to any serious disadvantage

I understand that all amendments made by
the Central Govt from 22-11-39 up to date have
been published in the gazette the purpose mention
being for general information

Having in mind

all these points I propose that on clause number
ten 2 in stead of the existing clauses 2 & 3 may
run somewhat on the following lines :-

All

amendments whether by way of addition
modification, deletion or otherwise to the Rules
annexed to notification no Dated
22-11-39. and published in the gazette from
time to time for general information as
having been made by the Central Govt shall
be deemed to have been made by the Govt
under this power vested in them in that behalf
on the respective dates of their publication in the afore
said
manner

The remaining of clause no 5-

as proposed hereunder is mostly consequential to my proposal to the consolidation & Reshaping of clauses 2 & 3 as stated above. It may run as follows

Anything done and any action taken in exercise of the power conferred by or under the rules as amended and referred to in clause — above shall be deemed to have been done or taken in exercise of the power conferred by or under the said rules as if they had been made by the Govt in exercise of the power vested in them under the said rules in that behalf on and from the respective dates of the publication in the manner described in clause — above.

Re. giving effect to amendments that may be made hereafter by the Central Govt

Existing clause 4 as proposed.

I have not with me a copy of the judgment of the H. Court nor is it available in the file which consists only of a copy of the draft bill. The decision of the H. Ct must I believe be taken to have discountenanced the precedents in the Bombay employees in the Mysore rels which brought into force the B. Industrial enactments relating to

post offices, Coinage or what obtains in every
Station where Subsequent amendments to B. provisions
enactments in force in the Station become
instantaneously operative there by virtue of
a notification under the Foreign jurisdiction Act
that the person (C.G-general in Council) in the
same Cen not make any difference in the
eye of law as the Capacities are different
Since the force of these precedents must be dee
to have been spent on account of the H. court
pronouncement it is a point for consideration
whether this legislating on the same lines not
accepted by the H Court may be followed
now also and on the same subject. If the
reasoning in regard to the amendments becoming
operative from the date of publication in the
Mys gazette and not from the earlier date of
publication in the Central Govts gazette
be acceptable the existing clauses 4 and
clause 6 consequential to it may be omitted.
and the Central Govts amendments published
in the Mys gazette as the Govts own.

Regarding
the ~~form~~ title of the bill I wish to make a few
remarks. which I base only on my recollect
not having the reference books with me or acce

to them as today is a holiday and I do not like to delay the matter on account of its urgency for similar situations in B. G. the latest perhaps being the consequence of total prohibition by the late Congress ministry in Bombay by which validating bills were passed indicating briefly of course in the preamble the circumstances leading to the enactment. The title of the bill if my proposals should be acceptable will not be an 'amending' one as nothing new in substance is to be woven into the act but step taken to regularise what has been pronounced to be irregular. The title and preamble may be adapted from the enactments made in like circumstances elsewhere

The last point I wish to suggest is not for immediate consideration but at some convenient time is the sending of the wording of the rules or amendments made by the central govt and introduced en bloc into My

I venture to state

of course with the greatest respect that the wording of some rules e.g. 130 A. gave

room to two diametrically opposite Coursh
neither of which could be dismissed chum
Summarily as unreasonable or obviously
untenable. Amendments have got to be
made to meet fast developing situati ons
changing from day to day or I think it
would not be extravagant to say from
hour to hour. The changes effected in
such circumstances by however great
an authority may sometimes bear
scrutiny at leisure. It is a point
for kind consideration and order if
good. Whether it is necessary or desirable
to scrutinize the amendments so far
made.

Moved. N. Lakshminarayana
23-9-42

Assembly R1304
will be circulated

NOTIFICATION.

In exercise of the powers conferred by Section 2 of the Defence of India Act 1939, as applied to Mysore, the Government of His Highness the Maharaja of Mysore are pleased, in modification of Notification No. P.1371-Legis.20-39-2 dated the 4th September 1939 as modified by Notification No.P.3440-Legis.20-39-7 dated the 22nd November 1939 to apply mutatis mutandis to Mysore, the Defence of India Rules annexed hereto.

By Order,

Chief Secretary to Govt.

To

The Compiler, Mysore Gazette,
for publication in Part IV
of the Gazette and supply
of 500 copis to this office.

No. 218

Office of the Advocate-General
in Mysore,

Bangalore, dated 18th September 1942

Dear Sir,

Re: Bail Applications filed before the High Court
by the Editors of certain Bangalore Newspapers.

Argument begun on the 16th instant and continued yesterday, was conluded this evening and the Court was pleased to direct the release of all the Petitioners on bail on their own respective bonds of Rs.500/- each, with two sureties by each for like sums. They were directed to give an undertaking to the effect that during the pendency of trial of the cases, they would not take any part in the printing and publishing the newspapers with which they were connected.

2. The decision for release was in pursuance of the decision reached by the Court to the effect that Rule 130-A of the Defence of India Rules contended to be in force in Mysore not having been made subsequent to 22/11/1939 by the Government of His Highness the Maharaja, but merely published in their Gazett for general information had no force of law in the State as it was not specially made under the Defence of India Act as in for in Mysore.

3. The principle of this decision will govern all amendments made by the Central Government after 22/11/1939 and published in the Mysore Gazette merely for general information and they are according to this decision, invalid.

Yours sincerely,

Narayanappa

C. Narayanaswami Naidu, Esq., B.A., B.L.,
Secretary to Government,
Law Department, Bangalore.

Cutch 1814 ~~2452~~

A draft of a letter to the Registrar High Court calling for a copy of the High Court judgment ordering the release on bail of certain editors of local News papers is submitted herewith as directed

Cpm 21/9 m

Issued NO P 2030 Dt 21.9.42

From
The Registrar
High Court
NO 763-66 Dt 21.9.1942
Forwards a copy of the order in criminal petitions NOS 27 to 30 of 42-43 on the file of the High Court submitted

Cpm 21/9 m

1083
W.

NOTIFICATION.

Whereas it is expedient to consolidate and amend the Defence of India Rules as applied to Mysore;

Now therefore, in exercise of the powers conferred by Section 2 of the Defence of India Act, 1939, as applied to Mysore by Act XXVI of 1939, ~~read with Section 5 of the latter Act,~~ the Government of His Highness the Maharaja are pleased, in ~~supersession~~ modification of Notification No.P.1371/Legis.20-39-2 dated 4th September 1939 and all other Notifications on the subject, to apply, mutatis mutandis, to Mysore the Defence of India Rules annexed hereto:

By Order,

28-9-39

Secretary to Government,
Law Department.

28/9/39

NOTIFICATION.

Whereas it is expedient to consolidate and amend he Defence of India Rules as applied to Mysore;

Now therefore, in exercise of the powers conferred y Section 2 of the Defence of India Act. 1939. as applie o Mysore, the Government of His Highness the Maharaja re pleased, in supersession of Notification No.P.1371/ egis.20-39-2 dated 4th September 1939, as modified by otification No.P.3440/Legis.20-39-7 dated 22nd November 939, to make the rules annexed hereto:

Provided that, save where the context otherwise equires, the rules are subject to modifications specifie n the schedule to Act XXV of 1939 and in particular

a) references to the Central Government, the Provincial Government, the appropriate Government or Government shall be construed as references to the Government of His Highness the Maharaja;

b) references to the defence of British India shall be construed as including references to the defence of Mysore;

c) references to British India (otherwise than in the expression 'Defence of British India') and to provinces of British India shall be construed as references to Mysore.

Provided further that, unless a different intention appears,

a) references to any authority, Court, Officer or functionary in British India shall be converted into references to the authority, Court, Officer, or functionary in Mysore vested with or ordinarily exercising the functions of such authority, Court, Officer or functionary;

NOTIFICATION.

Whereas it is expedient to consolidate and amend the Defence of India Rules as applied to Mysore;

Now therefore, in exercise of the powers conferred by Section 2 read with Section 5 of Act XXVI of 1939, as applied to Mysore, the Government of His Highness the Maharaja are pleased, in supersession of Notification No. P.1371/Legis.20-39-2 dated 4th September 1939, and ~~as modified by Notification~~ No.P.3440/Legis. 20-39-7 dated 22nd November 1939, to apply mutatis mutandis to Mysore the Defence of India Rules annexed hereto:

By Order,

28-9-39

Secretary to Government,
Law Department.

GOVERNMENT OF HIS HIGHNESS THE MAHARAIA OF MYSORE.

No. 1730 W

General and Revenue Secretariat,

Dated Bangalore, ...28th Septr. ....1942.

NOTIFICATION.

Whereas it is expedient to consolidate and amend the Defence of India Rules as applied to Mysore;

Now therefore, in exercise of the powers conferred by Section 2 of the Defence of India Act, 1939, as applied t Mysore by Act XXVI of 1939, the Government of His Highness the Maharaja are pleased, in supersession of Notification No. [illegible] Legis.20-39-2, dated 4th September 1939 and all other Notifications on the subject, to apply, mutatis mutandis, to Mysore the Defence of India Rules annexed hereto

By Order

SECRETARY TO GOVERNMENT.

To

The Compiler, Mysore Gazette, for publication in Part IV and for supply of 500 spare copies to this office.

NOTIFICATION.

~~Read Notification No.P.1371-Legis.20-39-2 dated 4th September 1939.~~

In exercise of the powers conferred by Section 2 of the Defence of India Act, 1939, as applied to Mysore by Act XXVI of 1939,

the Government of His Highness the Maharaja are pleased to apply, mutatis mutandis, to Mysore (in addition to the Defence of India Rules already in force) all the amendments thereto made from time to time by the Central Government, and to consolidate the Rules in force with the amendments as hereto amended.

By Order,

Secretary to Government,
Law Department.

In exercise of the powers conferred by Section 2 of the Defence of India Act, 1939, as applied to Mysore, by Act XXVI of 1939, the Government of His Highness the Maharaja are pleased to make the following rules:

Secretary to Government,
Law Department.

The ~~main~~ rules issued by the Central Government were applied mutatis mutandis to Mysore under ~~the~~ the following Notification, dated 4.9.1939:-

> In exercise of the powers conferred by Section 2 of the Defence of India Ordinance, 1939, as applied to Mysore, the Government of His Highness the Maharaja of Mysore are pleased to apply, mutatis mutandis, to Mysore, the Defence of India Rules annexed hereto:"

~~applying to Mysore~~ the amendments made by the Central Government to the Defence of India Rules, ~~from time to time~~ and to make them operative automatically, ~~the following addition was made to the above Notification on 22nd November 1939 as suggested by the Residency:-~~

> nd subject to any amendments to which the said Rules are for the time being subject in British India",

~~after the words "annexed hereto".~~

~~In view of~~ this provision, amendments issued by the Central Government subsequently were not being notified ~~as being in force in Mysore~~. After July 1940 they were, however, being published for information in the Gazette.

In Criminal Petition No.27 of 42-43 the High Court has held that Section 2 of the Defence of India Act does not authorise the application to Mysore of amendments to be made in future by the Central Government and that therefore the words "subject to etc" in the Notification of 22nd November 1939 are ultra vires. ~~According to~~ this decision all amendments issued by the Central Government subsequent to 22nd November 1939 ~~have not the force of law in Mysore.~~

~~were therefore~~ notified as applied to Mysore in the Gazette on ~~But that Notification would bring the amendments into force in Mysore only from~~ and ~~cannot~~ validate several ~~important~~ orders made and actions taken under the ~~amendments and the~~ Rules ~~subject to amendments. This makes it inevitable that~~ a Validating Act ~~should be passed.~~ It is proposed to validate not only actions taken under the amendments but also those taken under the Rules by way of abundant precaution to guard against the possibility of a legal construction ~~that the Notification of 22.11.1939 had the effect of impliedly repealing the rules since~~ (1) the expression "The Government may, by Notification in the Official Gazette make rules" used in Section 2 does not authorise the application of Rules issued by the Central Government and the provisions of Section 5 of Act XXVI of 1939 would only bring into operation the provisions of Section 31 of the General Clauses Act in construing the words peculiar to British India but does not by itself authorise the application to Mysore of Rules made by the Central Government, and (2) from the date of the Notification i.e. 22.11.1939 only rules subject to amendments were in force and not the rules. It is not however intended to validate any action taken in connection with pending prosecutions, if it is not otherwise valid. A proviso is added to the effect.

~~The High Court was consulted in the matter and some omissions and alterations were made in the original draft having regard to the suggestions made by the learned Judges.~~

The Dewan and other Ministers agree ~~with me~~ that the proposed measure is necessary.

Final Note by the Minister for Law

Subject.—

Promulgation of an Act to validate the orders made and action taken under the Defence of India Rules.

The Defence of India Act was applied to Mysore by Act XXVI of 1939 on 4th September 1939.

The rules issued by the Central Government were applied, mutatis mutandis, to Mysore under the following Notification, dated 4th September 1939:-

> "In exercise of the powers conferred by Section 2 of the Defence of India Ordinance. 1939, as applied to Mysor the Government of His Highness the Maharaja of Mysore are pleased to apply, mutatis mutandis, to Mysore, the Defence of India Rules annexed hereto: ....."

When the next occasion arose for issuing amendments, the amendments made by the Central Government to the Defence of India Rules up to November 1939 were applied by Notification No. P.3440/ Legis. 20-39-7, dated 22nd November 1939. Accepting the suggestion made by the Residency in letter No. F.59-39/W dated 7th November 1939, the following addition was made in that Notification with the object of making future amendments made by the Government of India to the Defence of India Rules operative automatically in Mysore:-

> "And subject to any amendments to which the said Rules are for the time being subject in British India."

Relying on this provision, amendments issued by the Central Government subsequently were not being notified under Section 2 o the Act. From July 1940, however, they were being published for information in the Mysore Gazette.

Im Criminal Petitions Nos. 27-30 of 1942-43, the High Cour has held that Section 2 of the Defence of India Act does not auth

ris

authorise the application to Mysore of amendments to be made in future by the Central Government and that therefore the words "subject to," etc., in the Notification of 22nd November 1939 are ultra vires. This decision applies to all amendments issued by the Central Government subsequent to those mentioned in the Notification of 22nd November 1939.

A Notification is under issue applying to Mysore these amendments under Section 2 of the Act. It is necessary, however, to validate the several orders made and action taken under these Rules till now, in view of the decision of the High Court. A Validating Act is therefore necessary.

The draft Bill is prepared on the basis of the advice by the Chief Justice.

The Dewan and other Ministers agree that the proposed measure is necessary.

I solicit gracious sanction of His Highness to the promulgation of the measure in exercise of His Highness's prerogative. as in the case of the Municipal Act

Bangalore,
7th October 1942.

Sd/- A. V. Ramanathan.
MINISTER FOR LAW.

'C o p y"

Act No. of 1942.

An Act to validate the Defence of India Rules as applied to Mysore.

Whereas certain doubts have arisen as to the validity of the Defence of India Rules as applied to Mysore and the applicability to Mysore of the amendments thereto made subsequent to the 22nd day of November 193 and it is necessary to remove such doubts;

His Highness the Maharaja is pleased to enact as follows :—

1. (1) This Act may be called the Defence of India Rules Validating Act.

(2) It shall come into force at once.

(3) It shall extend to the whole of Mysore.

2. In this Act unless there is anything repugnant in the subject or context, -

(a) "Rules" shall mean the Defence of India Rules ~~applied to Mysore under Notification No. P. 1371-Legis. 20-39-2, dated 4th September 1939.~~

(b) "Amendments" shall mean amendments ~~directed to be~~ made ~~by the Central Government~~ in the Defence of India Rules, and shall include additions, variations, substitutions or rescissions thereto

(c) "The Central Government" shall mean, notwithstanding anything contained in the schedule to Act XXVI of 1939 and Section 1 of the General Clauses Act, 'the Government of ~~India~~'.

3. All Rules and amendments made ~~thereto under the Defence of India Act, 1939~~, from time to time, by the Central Government, under Section 2 of the Defence of India Act, 1939, till the commencement of this Act, shall be deemed to have been made by the Government of Mysore in exercise of the powers vested in them by Section 2 of the said Act as applied to Mysore ~~and to have been in force on and from the respective~~ dates of their publication in the official Gazette for information or otherwise, and in the absence of such publication from the respective dates of their publication in the Gazette of India.

4. Anything done or purported to have been done in exercise of the powers under the ~~Defence of India~~ Rules or amendments ~~thereto~~ or Rules as modified by amendments made ~~by the Central Government~~, before the commencement of this Act, shall be deemed to have been lawfully done as if the said Rules and amendments have been in force in Mysore ~~from the dates of their publication as stated in the preceding section;~~ and they shall not be called into question in any Court of Law on the ground of the said Rules not having been validly in force in Mysore;

Provided that ~~in respect of criminal~~ proceedings which have not terminated by the date of the commencement of this Act, amendments made between the 22nd day of November 1939 and the 6th day of October 1942 shall not be deemed to have been rendered valid by this Act, unless they are otherwise so, so as to constitute int an offence, any act or ~~omission~~ omission c mitted before 6th October 1942.

Civil proceedings instituted in respect of Penal Code which have not been terminated by 6-10-1942, shall be continued in respect of which proceedings have not been terminated by the date of the Court of this Act shall be proceeded with and concluded as if this Act has not been passed.

Act No. of 1942.

An Act to Validate the Defence of India Rules as applied to Mysore.

Whereas it is expedient to validate the Rules under the Defence of India Act, 1939, as applied to Mysore by Act XXVI of 1939, for purposes hereinafter following; His Highness the Maharaja is pleased to enact as follows:-

1. (1) This Act may be called the Defence of India Rules Validating Act ~~applied to Mysore.~~

(2) It shall come into force at once.

2. All ~~amendments made to the Defence of India Rules~~ Rules and amendments thereto (from time to time) by the Central Government under Section 2 of the Defence of India Act, 1939, till the commencement of this Act shall be deemed to have been made by the Government of Mysore in exercise of the powers vested in them by Section 2 of the said Act as applied to Mysore ~~on~~, and to have been in force from the respective dates of their publication in the Gazette of India.

3. Anything done ~~under the purported~~ or purported to have been in exercise of the ~~amendments to~~ powers under the Defence of India Rules or the Rules subject to the amendments or amendments thereto made by the Central Government before the commencement of this Act shall be deemed to have been lawfully done as if the said amendments had been in force in Mysore from the dates of their publication in the Gazette of India; and they shall not be called into question in any Court of Law on the ground of the said Rules not having been validly in force in Mysore.

ACT No. of 1942.

An Act to amend the Defence of India Act, 1939, as applied to Mysore.

Whereas it is expedient to amend the Defence of India Act. 1939, as applied to Mysore, Act XXVI of 1939, for purposes hereinafter following; His Highness the Maharaja is pleased to enact as follows:-

Short title.

1. (1) This Act may be called an Act to amend the Defence of India Act, 1939, as applied to Mysore.

(2) It shall come into force at once.

Amendment of Section 1 of Act XXVI of 1939.

2. Section 1 of the Defence of India Act as applied to Mysore shall be renumbered as Sub-section (1) of that Section; and after the Sub-section as so numbered the following shall be added namely.--

"(2) All rules made by the Central Government under Section 2 of the Defence of India Act, 1939, till the date of the commencement of this Act, shall be deemed to have been made by the Government of Mysore under Section 2 of the said Act as applied to Mysore and to have always been in force from the dates of their publication in the Gazette of India.

(3) All Rules made under Section 2 of the Defence of India Act, 1939, by the Central Government on and after the date of the commencement of this Act, shall be deemed to have been made by the Government of Mysore under Section 2 of the said Act as applied to Mysore and to be in force from the dates of their publication in the Gazette of India unless they are notified by the Government not applicable to Mysore.

(4) For purposes of Section 2 of the Defence of India Act as applied to Mysore, publication of the rules in the Gazette of India shall be taken to amount to the making of such rules by the Government of Mysore by notification in the Official Gazette.

(5) Anything done under the Defence of India Rules, as applied to Mysore before the commencement of this Act shall be deemed to have been lawfully done as if the said Rules had been in force in Mysore from the dates of their publication in the Gazette of India; and they shall not be called into question in any Court of Law on the ground of the said Rules not being in force in Mysore.

(6) For purposes of this section, the expression "Rules" shall include amendments thereto, and the expression "Central Government" shall mean the Government of India, notwithstanding anything contained in the Schedule and Section 31 of the General Clauses Act.

NOTIFICATION.

Order No. Rl. 472—Legis., dated Camp Mysore, the 13th October 1942.

ORDERED that the accompanying Defence of India Rules Validating Act, 1942, which received the assent of His Highness the Maharaja, on the 9th day of October 1942, be published as Act XL of 1942, in the *Mysore Gazette*, for general information.

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

ACT XL OF 1942.

THE DEFENCE OF INDIA RULES VALIDATING ACT, 1942.

An Act to validate the Defence of India Rules as applied to Mysore.

(*Received the assent of His Highness the Maharaja on the Ninth day of October* 1942.)

WHEREAS certain doubts have arisen as to the validity of the Defence of India Rules as applied to Mysore and the applicability to Mysore of the amendments thereto made subsequent to the 22nd day of November 1939, and it is necessary to remove such doubts;

His Highness the Maharaja is pleased to enact as follows:—

Short title, commencement and extent.

1. (i) This Act may be called the Defence of India Rules Validating Act, 1942.

(ii) It shall come into force at once.

(iii) It shall extend to the whole of Mysore.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(*a*) "Rules" shall mean the Defence of India Rules.

(*b*) "Amendments" shall mean amendments made in the Defence of India Rules, and shall include additions, variations, substitutions or rescissions thereto.

Validation of Rules and Amendments.

3. All Rules and amendments made, from time to time, by the Central Government, under Section 2 of the Defence of India Act, 1939, till the commencement of this Act, shall be deemed to have been made by the Government of Mysore in exercise of the powers vested in them by Section 2 of the said Act as applied to Mysore and to have been in force on and from the respective dates of their publication.

Validation of Action.

4. Anything done or purporting to have been done in exercise of the powers under the said Rules or amendments or Rules modified by amendments, before the commencement of this Act, shall be deemed to have been lawfully done as if the said Rules and amendments had been in force in Mysore; and they shall not be called into question in any Court of Law on the ground of the said Rules not having been validly in force in Mysore.

N. MADHAVA RAU,
Dewan.

NOTIFICATION.

Order No. Rl. 472—*Legis., dated Camp Mysore, the* 13*th October* 1942.

ORDERED that the accompanying Defence of India Rules Validating Act, 1942, which received the assent of His Highness the Maharaja, on the 9th day of October 1942, be published as Act XL of 1942, in the *Mysore Gazette*, for general information.

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

ACT XL OF 1942.

THE DEFENCE OF INDIA RULES VALIDATING ACT, 1942.

An Act to validate the Defence of India Rules as applied to Mysore.

(*Received the assent of His Highness the Maharaja on the Ninth day of October* 1942.)

WHEREAS certain doubts have arisen as to the validity of the Defence of India Rules as applied to Mysore and the applicability to Mysore of the amendments thereto made subsequent to the 22nd day of November 1939, and it is necessary to remove such doubts;

His Highness the Maharaja is pleased to enact as follows:—

1. (i) This Act may be called the Defence of India Rules Validating Act, 1942. **Short title, commencement and extent.**

(ii) It shall come into force at once.

(iii) It shall extend to the whole of Mysore.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(*a*) "Rules" shall mean the Defence of India Rules.

(*b*) "Amendments" shall mean amendments made in the Defence of India Rules, and shall include additions, variations, substitutions or rescissions thereto.

Validation of Rules and Amendments.

3. All Rules and amendments made, from time to time, by the Central Government, under Section 2 of the Defence of India Act, 1939, till the commencement of this Act, shall be deemed to have been made by the Government of Mysore in exercise of the powers vested in them by Section 2 of the said Act as applied to Mysore and to have been in force on and from the respective dates of their publication.

Validation of Action.

4. Anything done or purporting to have been done in exercise of the powers under the said Rules or amendments or Rules modified by amendments, before the commencement of this Act, shall be deemed to have been lawfully done as if the said Rules and amendments had been in force in Mysore; and they shall not be called into question in any Court of Law on the ground of the said Rules not having been validly in force in Mysore.

N. MADHAVA RAU,

Dewan.